



LAW & ORDER

Make Victoria Safe Again

Libertarian Party – Law & Order Policy

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Table of Contents

4	Overvieww	
6	Part 1. Summary Victorian Criminal Justice and Court Process Reform	
7	Removing incentives for organised crime	
8	Empowering Victorians to defend themselves	
9	Explanation	
10	Part 2. The Three Pillars Victorian Criminal Justice Reform Pillar 1: Bail and Remand Reform	
10	Bail Reform for Serious Violent Offenders	
11	Bail Reform for Serious Property Offenders	
12	Comparison of Current Victorian Bail Law and Libertarian Bail reform	
12	Summary of the proposed tier bail reform	
13	Pre-Trial Detention with Support	



- 15** Pillar 2 - Reduce Crime by shortening “Open Case” Time : Serious Violence Fast Tracked Management
-
- 16** Pillar 3 - Targeted Intervention and Supervision for Persistent Offending
Reducing Repeated Property Crime through Targeted Intervention- A Persistent Offender Intervention Order (POIO)
-
- 18** Part 3. Additional Reforms
Sentencing Reform: Equal crime equal time
-
- 19** Addressing the incentives for organised crime
-
- 19** Legalise Vaping for adults
-
- 19** Reduce tobacco excise tax
-
- 20** Legalise Cannabis for adults
-
- 20** Expand treatment options for Heroin addiction
-
- 20** Royal Commission into CFMEU corruption
-
- 21** Empowering Victorians to fight back against crime
-
- 21** Legalise Pepper Spray
-
- 21** Castle Law -Defence of the home and the person
-
- 22** Other Reforms
Victims at the Centre – A Victim Case Officer Framework
-
- 23** Restoring Victoria Police
-



Overview

This law and order policy addresses and provides solutions to

- How the Victorian justice system facilitates crime in Victoria.
- How Government policy incentivises organised crime.
- Enabling Victorians to defend themselves against crime.

Understanding the core Victorian system problem.

The current Victorian 'justice' system bears heavy responsibility for the crime epidemic under which Victorians suffer.

There is a core 'belief' infecting the justice administration system that holds that perpetrators of crime are frequently 'victims' of society. That is that criminals are in fact 'victims'.

To the ordinary person this 'belief' seems strange and illogical. It is strange and illogical.

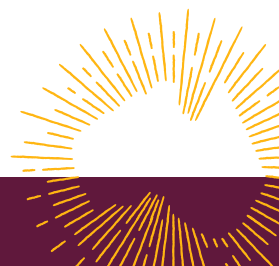
Yet this belief is acted on by the judiciary, the justice system administrators and the political class that controls justice legislation. This facilitates and enables crime.

The consequence is that the perpetrators of crime are persistently recirculated back into the community. This removes accountability for crime and creates crime.

In this respect the justice system itself is dysfunctional. This makes the efforts of the police to keep the community safe, difficult.

This Victorian Libertarian Party Law and Order policy recognises this core problem. Our policy maps out how to change the system so that

- People who commit crimes are treated as wrong doers.
- Wrong doers suffer appropriate consequences.
- Police efforts to keep the community safe are backed by the justice system.



This is done in a balanced way by maintaining

- Presumption of innocence
- Respect for human rights.
- Rehabilitation of wrong doers where feasible.

The Victorian Libertarian Law and Order policy seeks a justice system that

- Supports police efforts
- Supports the real victims of crime, that is, the people against whom crime has been committed.
- Suppresses crime cultures rather than facilitating crime cultures.

This policy to reform the Victorian justice system is built on 3 pillars.

For Serious Violent Crime

- Pillar 1: Bail reform
- Pillar 2: Fast processing of violent offenders.

For High Frequency Property Crime

- Pillar 3: Targeting repeat offenders as priority

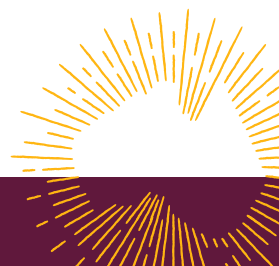


Part 1. Summary

1. Victorian Criminal Justice and Court Process Reform.

Our current system of bail is too complex and doesn't do enough to tackle serious repeat offenders. There are also gaps in the system which cause delays and don't do enough to reduce reoffending. The Libertarian party will address this by:

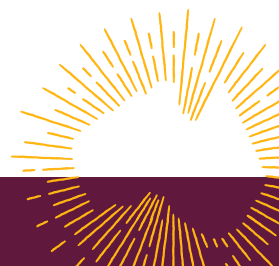
- a) **Bail and Remand Reform** - Recalibrating bail thresholds for defined categories of **serious violent and serious repeat property offending**. The policy separates first time violent offenders from repeat offenders applying a high probability threshold to first time offenders and automatic detention with safeguards for repeat serious offenders. It's a risk management framework that targets the most serious violent offenders. The policy moves away from a framework from merely predicting risk and relies on demonstrated proven danger.
- b) **Speed and Certainty Measures** - Reduce reoffending by shortening the period during which criminal matters remain unresolved, with **priority listing and allocation of serious violent and high-risk cases according to their level of risk**.
- c) **Persistent Offender Intervention Order** - Establishes a structured sentencing pathway for high-frequency offenders whose conduct is not effectively addressed by existing sentencing options.



2. Removing incentives for organised crime.

Government policies have created billion-dollar industries for organised crime to flourish. This has led to an outbreak of arson, murder and home invasions. The Libertarian Party will tackle the root causes of crime by:

- a) **Legalising cannabis for adults** – Cannabis prohibition has done little to prevent people using it and has instead created a stable market for organised crime to profit.
- b) **Reducing tobacco excise** – High taxes on tobacco have created one of Australia's most lucrative markets for organised crime. While a federal responsibility, a Libertarian Government will make it clear that reducing tobacco excise is the most effective solution.
- c) **Legalising vaping for adults** – The New Zealand Health Department recommends vaping as a safer alternative for smokers. In Australia we have made it easier to smoke than vape, with almost the entire vape market controlled by organised crime. This is also a federal responsibility, but a Libertarian Government will do everything we can to reverse this disastrous policy.
- d) **Improving pharmacotherapy for heroin addiction** – The Parliamentary Budget Office has estimated Victoria's heroin market at up to \$200 million per year. Expanding treatment options will assist people who are addicted and reduce crime.



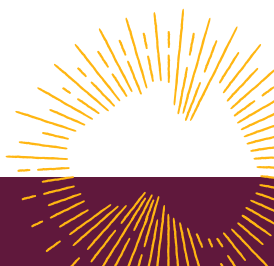
3. Empowering Victorians to defend themselves.

Our laws have left Victorians defenceless against a surge in violent crime and home invasions. The Libertarian Party will empower you to fight back by:

- Legalising Pepper Spray - We will empower responsible, law-abiding citizens, particularly women, the elderly, and vulnerable individuals, to carry non-lethal protection. In many parts of the world, this is standard. It's time Victoria caught up.
- Enacting Castle Law - Under UK law there are special provisions around self-defence in the home, only prohibiting conduct that is "grossly disproportionate". In the UK, you are legally allowed to defend you home (castle). Victoria needs to update our laws to ensure that people can reasonably defend their homes.



David Limbrick (Victorian Libertarian Leader) introduced a Castle Law motion into the Victorian Parliament.



4. Explanation.

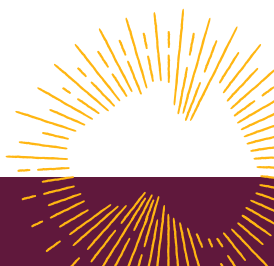
Libertarian policy exists to preserve property rights, protect citizens, and defend basic liberties. The proper role of the State, the courts, and public policy is to protect peaceful civilians from harm, not to control speech, regulate private conduct, or criminalise behaviour that causes no injury to others.

The Libertarian Party seeks to restore focus, efficiency, and restraint to policing and the courts. Law enforcement should serve the community, not operate as a political instrument of the State. Courts must remain genuinely independent, with judges appointed on merit rather than ideology, because public confidence in the legal system depends on it. The Victorian Government has weakened the foundations of public safety, through policies which create incentives for organised crime and by mishandling bail and the justice system. The result has been a system that disadvantages law-abiding Victorians while creating space for violent offenders and organised crime.

This policy presents a solution to tackle serious and repeat offending, reduce recidivism, remove incentives for organised crime and empower individuals with the tools and legal certainty to defend themselves. The policy responds to persistent reoffending, procedural delay, inconsistent sentencing outcomes, regulatory overreach in certain domains, and gaps in legal protection for victims, lawful self-defence, and vulnerable persons.

It is designed to strengthen protections for victims by reducing exposure to serious and repeat offending, improving the speed and certainty of criminal processes, and ensuring the justice system responds effectively to demonstrated risk.

A safer Victoria is possible, and the Libertarian Party has the solutions to make it a reality.



Part 2. The Three Pillars

Victorian Criminal Justice Reform

5 Pillar 1: Bail and Remand Reform.

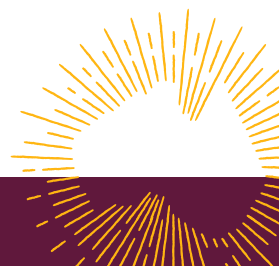
This reform establishes a two-tier bail framework for serious violent offending, recognising that escalating levels of proven risk warrant escalating legal consequences. The framework preserves judicial fact-finding, procedural safeguards, and review, while strengthening community protection and consistency in bail outcomes.

5a Bail Reform for Serious Violent Offenders.

“Two strikes and you’re Out” - Two Tier Escalation Framework.

We have a significant problem in Victoria where offenders of serious crimes are being released on bail in error, as they then go on to commit further offences causing injury to innocent victims. To combat this escalation in crime we will introduce a targeted two-tier bail framework for serious violent offending. It is designed to strengthen community safety while preserving fairness and proportionality in the justice system. The reform applies only to a narrow class of the most serious violent offences and focuses on those who present the greatest risk of serious harm.

This reform responds by drawing a clear distinction between first-time and repeat serious violent offenders, moving away from a framework that relies on predictive risk, and discretionary concepts such as “exceptional circumstances”, and preserves judicial discretion for first time offences but sets a high threshold for bail. For repeat serious violent offending, it establishes automatic detention as the rule, with narrow statutory exceptions, reflecting that repeated violence is a matter of demonstrated danger rather than prediction.



Under Tier 1 (First Serious Violent Offence), bail remains available but only under an exceptionally strict threshold. Bail must be refused unless the court is satisfied there is a high degree of probability that the accused will not commit serious violence while on bail. If bail is granted, the court must impose the most restrictive conditions reasonably available.

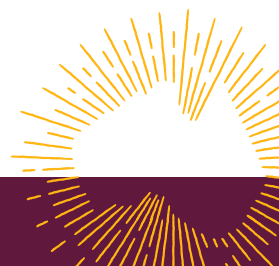
Under Tier 2 (Repeat Serious Violent Offending), mandatory refusal of bail as a rule where the accused commits a serious violent offence while on bail for another serious violent offence or has a recent prior conviction for serious violence or threats of violence. Bail may only be granted in narrow, objective circumstances, reflecting that repeated serious violence demonstrates proven danger rather than a matter for prediction.

Bail remains available for first offences under a strict test, and mandatory detention applies only to repeat serious violence, with clear statutory exceptions to prevent injustice.

5b Bail Reform for Serious Property Offenders. Presumption of Refusal of Bail.

This reform introduces a measured strengthening of bail law for repeat serious property offending, aimed at disrupting high-frequency crime while preserving proportionality and judicial discretion. It is designed to address the community harm caused by persistent property offences, with pre-trial detention to be assessed on a sliding scale, taking in the context and gravity of the offence. This reform is highly complemented by the Persistent Offender Intervention Order (POIO).

The policy creates a **presumption of refusal of bail** for defined serious property offences where offending occurs while on bail or meets a clear repeat-offending threshold. Bail is not automatic, but harder to obtain. Courts must start from refusal, if it is then rebutted, apply the unacceptable risk test, and give reasons if bail is granted despite the presumption. This ensures tougher scrutiny while allowing courts to avoid unjust outcomes in individual cases.

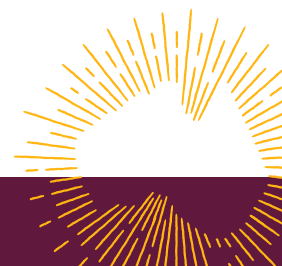


5c Comparison of Current Victorian Bail Law and Libertarian Bail reform.

Feature	Current Victorian Bail Law	Libertarian Bail Law
Framework structure	Schedule-based framework (Ordinary / Schedule 2 / Schedule 1)	Offence- and history-based tier framework
Method of escalation	Escalating thresholds layered on unacceptable risk	Distinct bail tests by tier
Ordinary offending	Presumption in favour of bail; unacceptable risk applies	Ordinary matters remain under unacceptable risk
First serious violent offence	No distinct test; unacceptable risk applies (subject to uplift)	Tier 1: High-probability test replaces unacceptable risk
Repeat serious violent offending	Uplift to Schedule 1; exceptional circumstances required	Tier 2: Mandatory detention, subject to narrow exceptions
Repeat serious property offending	Uplift may apply; compelling reason / exceptional circumstances	Presumptive refusal of bail unacceptable risk
Unacceptable risk	Applies in all categories where bail remains available	Displaced (Tier 1), irrelevant (Tier 2 violence), or cabined (property)
Uplift / two-strikes	Yes — escalates the applicable schedule and threshold	No uplift; tier determined directly by offence and history
Nature of escalation	Changes the applicable test threshold	Changes the applicable bail test
Decision-maker	Judicial determination in all cases	Judicial determination in all cases
Bail conditions	Primary risk-management mechanism	Used where bail remains available

5d Summary of the proposed tier bail reform.

- **Simplicity:** fewer overlapping tests, more predictable outcomes.
- Targeted risk management: repeat high-risk offenders handled consistently.
- **Proportionality:** first-offence serious matters assessed fairly, repeat offenders escalated.
- **Judicial oversight preserved:** all detention and bail exceptions remain under court control.
- **System efficiency:** links stricter bail outcomes with fast-track case management.
- **Transparency:** the rules can be explained in plain logic, improving legitimacy and compliance.



5e Pre-Trial Detention with Support

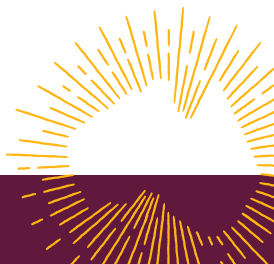
Pre-Trial Stabilisation Program (PTSP)

Where the law requires mandatory pre-trial detention for defined high-risk offences, detention must be supported by a structured stabilisation framework to prevent remand from becoming unproductive, unsafe, or unnecessarily prolonged. **The Pre-Trial Stabilisation Program (PTSP)** is a mandatory, time-limited support model designed to operate **within detention**, not as a substitute for it.

The purpose of PTSP is to stabilise individuals on remand, reduce system delay, improve court readiness, and ensure that mandatory detention is firm, efficient, and focused on public safety.

Core Features

1. **Automatic referral on remand** - All individuals subject to automatic pre-trial detention are automatically referred to PTSP on entry into custody.
2. **Dedicated pre-trial case manager** - Each detainee is assigned a single accountable Pre-Trial Case Manager for a fixed, time-limited period (up to four months or until finalisation). The role is coordination and stabilisation, not advocacy for release.
3. **Early stabilisation and assessment** - PTSP provides early health, mental health, and alcohol and drug screening, continuity of prescribed medication, and identification of cognitive impairment or disability.
4. **Case readiness and system efficiency** - The program identifies early what reports or assessments the court will require and ensures those processes are commenced and tracked. This prevents repeated adjournments caused by missing material and keeps cases progressing.
5. **Court reporting and accountability** - Standardised updates provided to the court on engagement and case readiness, allows courts to set firm timetables and avoid unnecessary delay.



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7. **Relationship to detention and bail** - Participation in PTSP does not create a pathway to bail, early release, or sentence reduction. The program operates concurrently with detention and does not alter any bail refusal requirements.
8. **Structured transition support** - Where detention ends due to acquittal, sentence, or a narrow statutory exception, PTSP supports structured transition arrangements to reduce rebound risk and maintain continuity of supervision or treatment where required.
9. **Governance and evaluation** - PTSP is time-limited, outcome-focused, and subject to clear performance measures and independent evaluation to ensure accountability and effectiveness.



6 Pillar 2: Reduce Crime by shortening “Open Case”

Time : Serious Violence Fast Tracked Management

The risk of re-offending is highest where serious matters remain unresolved for extended periods, including where offenders are held on long remand followed by sudden release, or where cases are delayed while the accused remains on bail with minimal supervision. Delay in case resolution can itself become a significant risk factor for further offending. By reducing the time that serious cases remain unresolved and processing them through a system of prioritisation, this pillar limits opportunities for pre-trial offending and lowers the risk of post-release rebound. Priority processing improves efficiency through timely and orderly determination, not rushed adjudication, and does not compromise procedural fairness, judicial scrutiny, or the rights of the accused.

The pillar establishes a Serious Violence Fast-Track for Tier 2 remand cases and Tier 1 high-risk bail matters, with early committal timelines, fixed disclosure dates, priority listings, and better management of adjournments. It targets the system’s key pressure points by dedicating prosecution and defence resources and assigning specialist teams to fast-track forensic work and case preparation. A brief early case-strength check ensures weak or unprepared cases do not generate unnecessary or long remand times. By concentrating resources on a small, high-risk cohort, Pillar 2 shortens time on remand, improves certainty, and delivers crime reduction without driving remand blow-outs.



7 Pillar 3: Targeted Intervention and Supervision for Persistent Offending

Reducing Repeated Property Crime through Targeted Intervention- A Persistent Offender Intervention Order (POIO)

In 2025 Victoria Police stated that just 5,400 repeat offenders were responsible for 40% of the crime in the state. The path to law reform is clear, that there needs to be a more strategic sentencing option to address the ‘higher frequency cohort’ of criminal offending.

The status quo under the Current Legal Framework is where a court may either impose imprisonment, a Community Corrections order (CCO) with strict rules or a combination of both. But the system fails where programs they are referred to in support of their rehabilitation, are oversubscribed; and with unrealistic access to drug or addiction treatment programs, breaches in CCO’s ultimately transpire.

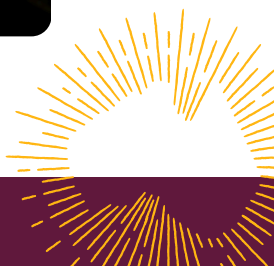
In this cohort, tougher sentencing options does not act as a deterrence because it fails to address the criminal offending as a result of their behaviour, which could be a product of dependency, homelessness, mental illness or instability.

The Libertarian Party will introduce a Persistent Offender Intervention Order (POIO to address repeat, high-frequency offending that existing sentencing options fail to control. It is a highly controlled, high-support order designed to stop repeat offending, through a supervisory mechanism that can be utilised to prevent frequent offenders from relapsing into unproductive behaviours.

It would entail a single co-ordinated plan, where a case manager appointed by the court, manages tailored appointments, coordinates priority access to essential treatments, and facilitates timely and regular court reviews to encourage consistency in the process. The order could also be progressively relaxed or constrained based on compliance by the offender. This model is similar to the existing drug courts, which independent evaluation has demonstrated to reduce both the prevalence and seriousness of reoffending.



This sentencing pathway compels both the offender and the system to break the cycle of police, courts, prison, reoffending in highly concentrated cohorts. Its benefit is aimed to reduce crime such as theft, burglary and motor vehicle crime through support and early intervention, in an effort to address the source of the crime and to tackle chronic entrenched failures in the system where normal deterrence has already failed.



Part 3. Additional Reforms

8 Sentencing Reform: Equal crime equal time

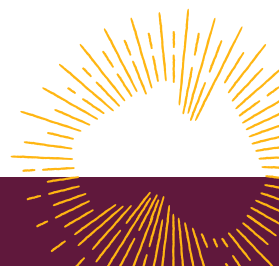
Reforming the Bugmy Principle

We support reform to ensure that sentencing in Victoria is applied equally to all offenders. Criminal punishment should be determined by the seriousness of the offence and the offender's conduct, not by differential standards based on background or vulnerability. Personal circumstances should inform access to rehabilitation, treatment, and support services, but should not operate to reduce sentences or diminish accountability for criminal conduct. Equal crimes should attract equal consequences.

In **Bugmy v The Queen**, the High Court held that an offender's background, including social disadvantage or exposure to violence, may be considered as part of an individualised sentencing assessment. However, the Court rejected any rule of automatic or cumulative sentence reduction based on background alone, and confirmed that such factors carry limited weight, particularly for serious or repeat offending. The Court did not create a special sentencing rule or endorse unequal punishment.

In practice though, the Bugmy principle has been applied more broadly than intended. Background disadvantage or vulnerability has increasingly been treated as a standing mitigating factor, including in cases involving serious or repeated offending. This has produced inconsistent sentencing outcomes for similar conduct and weakened the principle of equality before the law, undermining public confidence in the justice system and fairness for victims.

Accordingly, we support legislative reform to confine the use of background factors in sentencing and to clarify that such factors must not reduce sentences or excuse criminal behaviour. The law should be applied uniformly, with compassion expressed through services and rehabilitation rather than reduced accountability. A fair justice system requires equal application of the law to all Victorians.



9 Addressing the incentives for organised crime

In research commissioned by David Limbrick, the Victorian Parliamentary Budget office has estimated the illicit heroin market to be worth about \$200 million per year and illicit vapes to be about \$500 million. They have also estimated that the illicit cannabis market is worth about \$1 billion per year. The most recent report from the Illicit Tobacco and E-cigarette Commissioner has estimated that illegal tobacco could be worth almost \$7 billion dollars in Australia. Legalising cannabis and vapes for adults, and reducing tobacco excise tax, would do more to undermine organised crime than any police enforcement.

The Libertarian Party will tackle serious organised crime by addressing the root cause.

9a Legalise Vaping for adults

Countries that have embraced lower risk nicotine products such as e-cigarettes have seen a faster reduction in the rate of smoking than Australia. New Zealand actively promotes vaping as an alternative for smokers and Sweden is on the threshold of being the first country to achieve a daily smoking rate of fewer than 5%. Beyond the public health benefit of switching to safer alternatives to smoking, legalising vaping would remove billions of dollars from organised crime. While federal laws are in place it's not possible to independently legalise vapes in Victoria, but a Libertarian Government would make it clear that we do not support the federal laws and advocate for federal reform.

9b Reduce tobacco excise tax

The Tobacco Wars have led to nearly 300 arson attacks in Australia, with the majority here in Victoria. There have also been several murders including Katie Tangey who died in a house fire when arsonists targeted the wrong house. With billions of dollars at stake, it's a problem that we can't just "police our way out of".

The Libertarian Party will continue to call on the federal Government to reduce tobacco excise to remove the incentive for this illicit market.



9c Legalise Cannabis for adults

The prohibition of cannabis has had very little effect in dissuading people from using it. Instead, it has created a stable profitable industry for organised crime. With many people accessing regulated cannabis through the medical market, it's time we stopped interfering with the decisions of adults and handing money to organised crime groups.

The Libertarian Party will legalise cannabis, with sensible regulations to restrict it to adult use and limit public use.



9d Expand treatment options for Heroin addiction

The heroin market in Victoria may be worth as much as \$200 million per year. Expanding treatment options to include hydromorphone or other clinically appropriate options will help people manage or recover from their addiction and undermine the criminals that profit off their misery.

9e Royal Commission into CFMEU corruption

It is estimated that the cost to taxpayers of corruption on the Government's Big Build projects could have been over \$15billion. Queensland has commenced a Royal Commission to examine corruption within the CFMEU. The Victorian Government has refused. The Libertarian Party supports a Royal Commission to examine the depth of this corruption and ensure that those responsible are held accountable.



10 Empowering Victorians to fight back against crime

When faced with violent and dangerous criminals you have seconds to respond while police are minutes away at best. Victorian law limits the tools available and the legal protection for people to fight back against violent crime.

10a Legalise Pepper Spray

In jurisdictions where pepper spray is legal it is a popular tool for personal self-defence, especially among women. Victoria has seen a dramatic rise in crimes against the person, including home invasions. The Northern Territory has already commenced a trial.

A Libertarian Party Government will immediately take steps to legalise pepper spray for self-defence.

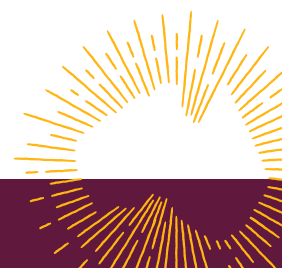
You can read our full policy on pepper spray [here](#).

10b Castle Law -Defence of the home and the person

Right now, in Victoria, if someone breaks into your home, the law may protect them more than it protects you. As a homeowner or renter, you can face legal consequences just for defending yourself, your family, friends and your property. This must change.

Under UK law there are special provisions around self-defence in the home, only prohibiting conduct that is “grossly disproportionate”. In the UK, you are legally allowed to defend you home (castle). Victoria needs to update our laws to ensure that people can reasonably defend their homes. The Libertarian Party in government will do this.

You can read our full policy on Castle Law [here](#).



11 Other Reforms

11a Victims at the Centre – A Victim Case Officer Framework

A justice system that focuses exclusively on offenders while marginalising victims undermines public confidence and legitimacy. Victims of serious crime are often left uninformed, unheard, and uncertain as cases progress slowly through the system. This policy reforms how victims are treated by assigning clear responsibility within the justice system, supported by consistent communication and accountability.

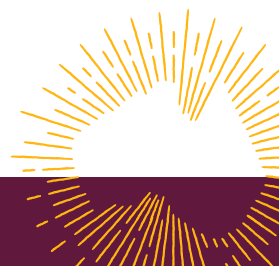
For victims of serious offences, the State will assign a **Victim Case Officer** at an early stage of the criminal process. The role of the Victim Case Officer is not counselling or advocacy, but information, coordination, and accountability.

This reform relies on existing victim support, court and prosecution resources that are not fully integrated and inconsistently managed and reorganises them to ensure clear ownership of the victim's file, rather than creating new systems.

The Victim Case Officer framework will apply only to serious offences, including serious violence, sexual offences, homicide, serious family violence, and repeat targeted offending. It will not extend to minor matters, ensuring the model remains focused, proportionate, and sustainable.

Victims will be informed not only of outcomes, but also of the reasons for delay or adjournment, reinforcing transparency and trust. This framework complements fast-track procedures for serious crime by ensuring that cases move efficiently and that victims can see meaningful progress toward resolution.

Victims of serious crime deserve clarity, respect, and accountability. This reform ensures they are informed, heard, and treated as central participants in the justice process.



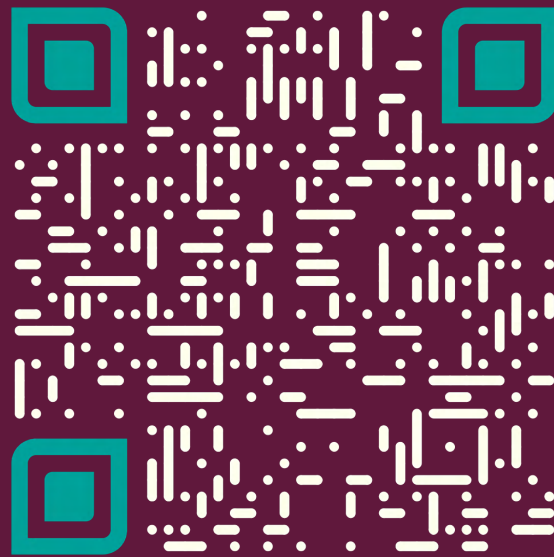
11b Restoring Victoria Police

The crime crisis in Victoria has become so bad that many people simply don't report crimes such as retail theft as they know that police won't attend. There are currently over 1,000 vacancies and recruitment numbers are not keeping up. A Libertarian Government will treat this issue with the urgency required, ensuring that the pace of recruitment is sufficient to restore police numbers within two years and bring safety and order back to Victoria. A key to retaining good police is to give them a justice system that supports police work instead of frustrating police work.



<https://vic.libertarians.org.au/policies>

Our Policies



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